

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
SANJIV MEHRA,

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>9/26/07</u>

Plaintiff,

07 Civ. 8242 (PKC)

-against-

ORDERPHOENIX BRANDS LLC and
ADMINISTAFF, INC.,

Defendants.

-----x

P. KEVIN CASTEL, District Judge:

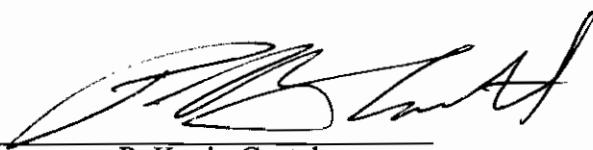
Plaintiff Sanjiv Mehra brings this action against Phoenix Brands LLC (the "LLC") and Administaff, Inc., invoking subject matter jurisdiction by reason of diversity of citizenship, 28 U.S.C. § 1332. If the LLC is, indeed, a limited liability company, as its name would imply, then the complaint must allege the citizenship of natural persons who are members of the limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company. By October 19, 2007, plaintiff shall amend its pleading to allege the citizenship of each constituent person or entity. See Handelsman v. Bedford Village Associates Ltd. Partnership, 213 F.3d 48, 51-52 (2d Cir. 2000), citing Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir.1998); Strother v. Harte, 171 F.Supp. 2d 203, 205 (S.D.N.Y. 2001) ("For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members.").

Plaintiff shall also amend the complaint by October 19 to allege the citizenship of plaintiff. At present, only the state of residence is alleged.

-2-

If plaintiff is unable to amend by the foregoing date to truthfully allege complete diversity based upon the citizenship of each constituent person or entity of the LLC, then the complaint will be dismissed for lack of subject matter jurisdiction.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
September 26, 2007